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BGC Real Estate Of Nevada, LLC.

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 BGC PARTNERS, INC., et al.,

Case No. 2:15-cv-00531-RFB-GWF

21 Plaintiffs,

22 vs.

**MOTION FOR ENLARGEMENT OF
TIME, OR ALTERNATIVELY,
FOR CLARIFICATION OF
MARCH 31, 2016 RULING**

23 AVISON YOUNG (CANADA) INC., et al.,

24 Defendants.

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 26 Plaintiffs (collectively "BGC") hereby move this Court for an enlargement of time, or
 27 alternatively, for a clarification of its March 31, 2016 ruling as reflected in a minute order of even
 28 date. Plaintiffs state as follows in support of this motion.

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1 Plaintiffs commenced this action in the Eighth Judicial District of Nevada on February 27,
2 2015. Defendants filed a notice of removal to this Court, claiming that this action arises under or
3 is "related to" a pending bankruptcy proceeding, relying on jurisdiction under 28 U.S.C. Section
4 1334(a) and (b), and Section 1452(a).

5 Plaintiffs then moved to remand this action to state court. Plaintiffs' supporting papers,
6 and Defendants' opposition papers, are on file. Because Plaintiffs' Motion to Remand was fully
7 briefed and ripe for decision, this Court scheduled argument for, and entertained argument on,
8 March 29, 2016. At the conclusion of the hearing the Court took the matter under advisement.

9 On March 31, 2016, this Court entered a minute order stating as follows:

10 **IT IS ORDERED that the Motion [11] to Remand is DENIED without prejudice. A written order shall
11 issue. The parties shall submit a proposed discovery schedule by April 15, 2016.**

12 This Court has not yet entered a written order setting forth the basis for its ruling as it
13 indicated that it would in its March 31, 2016 minute order, and, accordingly, has not yet explained
14 the basis for its determination that the parties should engage in discovery on issues related to the
15 Motion to Remand, and has not specified what the scope of any discovery should be. The parties
16 previously stipulated that they would defer their Rule 26(f) conference until sixty (60) days after
17 this Court resolves the Motion to Remand. (Docket 14). Consequently, the parties anticipated
18 that they would not proceed with discovery at all until after this Court resolved the Motion to
19 Remand.

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1 Plaintiffs ask that this Court modify its ruling as reflected in its minute order dated March
2 31, 2016, and not require that the parties submit a discovery schedule by April 15, 2016. In
3 accordance with the parties' previously filed stipulation, Plaintiffs request that the parties not be
4 required to proceed generally with discovery until 60 days after this Court's written order setting
5 forth its ruling on the Motion to Remand. To the extent that the Court wishes the parties to
6 engage in limited discovery related only to the Motion to Remand, Plaintiffs request that this
7 Court clarify what the scope of that discovery should be to assist them in working out a discovery
8 schedule.

9 DATED this 14th day of April, 2016

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PISANELLI BICE PLLC

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By: /s/ Todd L. Bice

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IT IS SO ORDERED

DATED: August 8, 2016



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

Princeton, NJ 08540

Robert C. Gill, II, Bar No. 26226

(Pro Hac Vice)

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Washington, D.C. 20007

*Counsel for Plaintiff BGC Partners, Inc.;
G&E Acquisition Company, LLC; and BGC
Real Estate Of Nevada, LLC.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice, PLLC, and that on this 14th day of April, 2016, I caused to be served the foregoing **MOTION FOR ENLARGEMENT OF TIME, OR ALTERNATIVELY, FOR CLARIFICATION OF MARCH 31, 2016 RULING** via electronic mail through the United States District Court's CM/ECF system.

/s/ Shannon Thomas
An employee of Pisanelli Bice, PLLC

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